



Department of Justice

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**COMPANY AGREES TO PAY \$1 MILLION
PENALTY FOR ENVIRONMENTAL CRIMES AT PORT MANATEE**

Tampa, Florida - United States Attorney A. Brian Albritton announces that Kinder Morgan Port Manatee Terminal LLC (KMPMT), a Delaware company doing business in Manatee County, Florida, has agreed to plead guilty to four separate violations of the Clean Air Act. As part of the plea agreement, KMPMT will pay a \$750,000 criminal fine and make a \$250,000 community service payment to the National Fish and Wildlife Foundation. In addition, KMPMT has agreed to serve a term of two years of probation and implement an extensive environmental compliance plan.

U.S. Attorney Albritton stated, "Protecting the quality of the air we breathe must be a priority. Those who pollute the environment must be stopped and must pay for their illegal pollution."

"There is simply no excuse for this company to break our nation's environmental laws and hurt the integrity of our regulatory process. Hopefully Kinder Morgan will take the steps necessary to be a responsible corporate citizen and ensure that this prosecution is the last," said Maureen O'Mara, Special-Agent-in-Charge of EPA's Office of Criminal Enforcement in Atlanta. "It is imperative that corporations abide by the same rules of law

that all citizens are expected to respect. EPA will continue to vigorously investigate these types of crimes.”

According to the information and plea agreement, KMPMT operates a dry bulk material handling and storage facility at 475 North Dock Street, Port Manatee, Florida. The facility covers six acres of land and includes four warehouses. It receives and ships materials such as granular fertilizer products and cement clinker by railcar, truck, and ship. When these granular materials are loaded and unloaded incorrectly, they generate particulate matter, an air pollutant regulated by the Clean Air Act.

Florida Department of Environmental Protection (FDEP) administers the Clean Air Act in Florida via a state implementation plan and permit system. To obtain a permit from FDEP to operate its facility in accordance with the Clean Air Act, KMPMT was required to operate “baghouse” air pollutant control systems, which trap, filter, and separate particulate matter to minimize its impact on our air. From in or about 2001 through March 2008, however, KMPMT's baghouse systems were in poor condition, and several were not fully operational during the times specified in various permits. In August 2006 and August 2007, KMPMT's local managers and supervisors falsely stated in FDEP permit applications that KMPMT would operate and maintain its air pollution emissions and control equipment in accordance with regulations, when they knew that the baghouses were not being operated and maintained properly. Moreover, from October 2006 through March 2008, KMPMT's local managers and supervisors failed to notify and report to the FDEP that its baghouse air pollution control systems were not in compliance and would continue to be out of compliance.

A parallel enforcement action brought by FDEP resulted in an FDEP order for a civil penalty in the amount of \$331,000. Corrective actions under that order include conducting compliance stack testing on the repaired baghouses, repairing the transfer towers and conveyor systems, creating an employee training program, and implementing a management tracking system to ensure future compliance through testing, record keeping and maintenance.

This case was investigated by United States Environmental Protection Agency and the Florida Department of Environmental Protection. It is being prosecuted by Assistant United States Attorney Cherie L. Krigsman.